Librarians are from Venus, Vendors are from Mars (Session II)

John Bramble

Network/Utah Liaison

NN/LM National Network of Libraries of Medicine

MidContinental Region
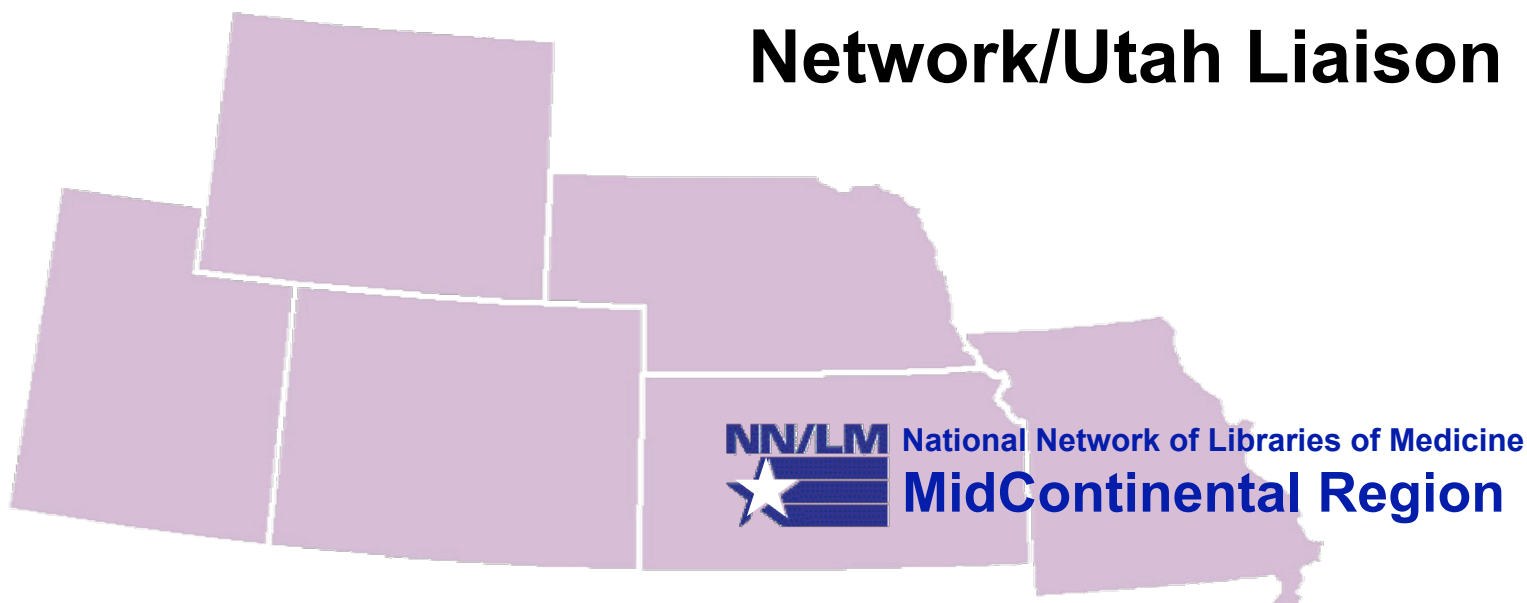
Timeline – Session 2

0:00 - 0:05 | Welcome Back & Questions

0:05 - 0:35 | Team Presentations

0:35 - 1:15 | Contract Fundamentals

1:15 – 1:25| Questions

1:25 – 1:30| Class Evaluation

Objectives

1. **Approaching Contacts**
2. **Types of Licensing Terms**

    - Contract Terms Important to Libraries

    - Contract Terms to be avoided

3. **SERU** (Shared E-Resources Understanding)
4. **LOCKSS** (Lots of Copies Keeps Stuff Safe)
5. **Resources**

NN/LM National Network of Libraries of Medicine
MidContinental Region

Presentations

The Very First Thing

- **Know your…**
  - Institutional policies (and resources avail)
  - State Laws
    - Business Practices
    - Governance on State owned institutions
    - Resources?

- **Why is this important?**

Common Licensing Terms

Acceptance Access Affirmative Defense Agreement Amendment Arbitration Clause Archive Copy Assignment Authentication Authorized Signature Authorized Use Authorized Use Authorized User Backup Copy Battle of the Forms Boilerplate Breach Choice of Law "Click-wrap" Agreement or License   Concurrent Users Conflict of Law Confidentiality Contract Copies Copyright infringement   Copyright Coursepacks Damages Dial-up Access Disclaimer Display Distributor Domain Name Domain   Download End-user   Fair Use First Sale Doctrine Force majeure Governing Law Grant of License Host Name Indemnity Infringement Integration clause Internet Protocol ("IP")Internet IP Address Jurisdiction clause Jurisdiction License Agreement License Licensee Licensor Liquidated damages Local Area Network ("LAN") Material alteration Material breach Material term Material Merger Clause Minor breach Modification Negotiations Network Node Non-assignable Non-Disclosure Agreement Non-exclusive Non-transferable Party Penalty Permitted Use Perpetual License Public Access Terminals Remedies Remote Access Rights Security Server Severability Clause (Separability Clause) "Shrink-wrap" Agreement or License Signing Authority ("Signature Authority") Site License Site Statute of Frauds Subscription Term Terminal Termination clause Termination Third-party UCITA Unauthorized User Uniform Commercial Code ("UCC") Uniform Computer Information Transactions Act ("UCITA") Upload Use User Venue Waiver Warranty Workstation
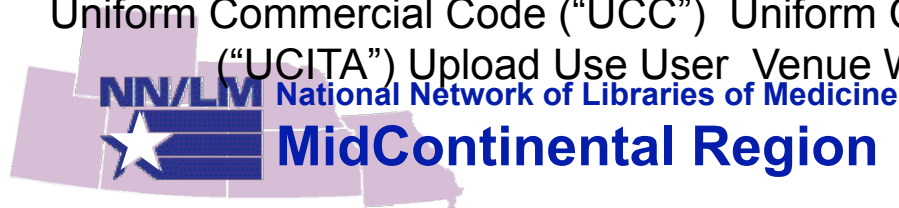
Types of Licensing Terms

- **Acceptable**
- **Undesirable but possible**
- **Impossible**

Contracts Ideal for libraries

- **A contact should….(user access)**
  - Accommodate your **users** needs
    - Clearly state access rights
    - Document Delivery
    - E-reserve systems
  - Flexible **authentication**
  - Grant **access** to resources subscribed
  - Specify **support** and **training**

NN/LM National Network of Libraries of Medicine
MidContinental Region

Contracts Ideal for libraries

- A contact should….

    - Performance & service level
    - Statistics
    - Privacy

Contracts Ideal for libraries

- **A contact should….**

  - Include **warranty**
  - Specify when/how **updates** will be provided

NN/LM National Network of Libraries of Medicine
MidContinental Region

Contract Terms to be avoided

- **A contact should NOT….**
  - Indemnification
  - User Behavior
  - Contract Termination
  - Jurisdiction
  - Warranty
  - Changes to License
  - Non-disclosure language

NN/LM National Network of Libraries of Medicine
MidContinental Region

ERM (Electronic Resource Management)

- **e-Method to manage your e-collections**
- **Home grown**
- **Off the shelf**
  - Commercial
  - Open Source

From: http://en.wikipedia.org/wiki/
Electronic_resource_management

NISO
How the information world CONNECTS

| Standards | Topics | Publications | News & Events | International | Participate | Workrooms | Abou |

Home | Workrooms | Shared E-Resource Understanding (SERU)

- SERU Framework FAQs
- SERU Initiative Overview
- SERU Events
- Registry
- Working Group
- SERUInfo List

Shared E-Resource Understanding (SERU)

- ***SERU: A Shared Electronic Resource Understanding (NISO RP-7-2008)* PDF**
- FAQ on the SERU Framework
  Redrafted 6.20.07 to correspond to SERU version 0.9
  Also available as PDF PDF

- SERU Registry
- SERU Information Listserv
- SERU Problem Statement
- SERU Initiative Overview
- Upcoming & Past SERU Presentations
- Additional Resources
- Working Group

SERU REGISTRY

Are you using SERU?
Want to know who is?
Join the SERU Registry!

SERU Problem Statement

SERU –

Shared Electronic Resource Understanding

- License agreements → legal necessity

- Traditional Contract → Little variation

- Enough experience with E-resource

NN/LM National Network of Libraries of Medicine
MidContinental Region

SERU –

Shared Electronic Resource Understanding

- Working Without a License Agreement –
  - Substitute Contracts for an Invoice

NN/LM National Network of Libraries of Medicine
MidContinental Region

SERU –

Shared Electronic Resource Understanding

- Shared expectations & Mutual Trust
  - The subscription
  - The subscribing institution & authorized users
  - The nature of the content
  - Privacy and confidentiality
  - Online performance and service provision
  - Archiving and perpetual access

LOCKSS
(Lots of Copies Keep Stuff Safe)

- **Helps libraries stay relevant**

- **Replicates the traditional model of libraries keeping physical copies**

- **Hundreds of publishers and libraries around the world have joined**

- **Content preserved by libraries through LOCKSS becomes a part of their collection**

NN/LM National Network of Libraries of Medicine
MidContinental Region

LOCKSS www.lockss.org
(Lots of Copies Keep Stuff Safe)

- **Content preserved by libraries through LOCKSS becomes a part of their collection**

- **Perpetual access to 100% of the titles preserved in their LOCKSS Box**

- **Only solution that enables libraries to "own" (vs. "lease")**

- **LOCKSS compliant**

NN/LM National Network of Libraries of Medicine
MidContinental Region

Resources

- **Yale University Library LIBLICENSE**
  - http://www.library.yale.edu/~llicense/

- **MLA**
  - http://www.mlanet.org/government/licensing/

NN/LM National Network of Libraries of Medicine
MidContinental Region

LIBLICENSE

LICENSING DIGITAL INFORMATION
A RESOURCE FOR LIBRARIANS

LIBLICENSE-L DISCUSSION LIST	LIBLICENSE-L ARCHIVES	MIRROR SITE (EUROPE)

Yale University Library

Council on Library & Information Resources

Introduction — About this Site

CLIR/DLF Model License — Liblicense Software

License Vocabulary — Licensing Terms & Descriptions

Bibliography — Licensing Resource Links

Publishers' Licenses — Authors' Licenses

National Site License Initiatives — E-mail Us

Developing Nations Initatives

Disclaimer

Resources on Electronic Licensing

Links to Licensing Resources

This Web page provides librarians with multiple resources on the issue of electronic licensing--links to web resources, library association statements, model license agreements, and professional development opportunities.

- **Collection Development Section, MLA**
  A Website that provides links to additional electronic licensing resources

- **Licensing Electronic Resources**
  Joint Library Association Statement (1997)

- **LIBLICENSE-L, Licensing Digital Information, A Resource for Librarians**
  This comprehensive site, maintained by the Yale University Library Council on Library & Information Resources, provides a variety of tools and resources on the following topics:
    - **License Vocabulary**

    - **Licensing Terms and Descriptions**

    - **Bibliography**

    - **Licensing Resource Links**

    - **Publishers Licenses**

    - **National Site License Initiatives**

    - **Authors' Licenses**

    - **LIBLICENSE-L Email Discussion List**

    - **LIBLICENSE-L Archive**

Questions?

Questions?

Contact me!

John Bramble

jbramble@lib.med.utah.edu

801-585-5743 (direct)

800-338-7657 (dial option 1, 2, then 6)

NN/LM National Network of Libraries of Medicine
MidContinental Region